

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 7, 2009

The Honorable Boards of Franklin County Commissioners and Benton County Commissioners met on the above date in a bi-county meeting.

Present for the meeting representing Franklin County were Rick Miller, Chairman; Bob Koch, Chair Pro Tem; and Brad Peck, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board.

Present for the meeting representing Benton County were Max E. Benitz, Jr., Chairman, Leo M. Bowman and James R. Beaver.

Present in audience: At least 36 people including those listed on the sign-in sheet (Exhibit 1).

**CONSOLIDATED CRISIS RESPONSE CENTER (CRCC)**

Committee Assignment Recommendation

Mr. Peck thanked those who came to the meeting. Your presence signals to me that this is every bit as important as Commissioner Beaver and I believe it to be. That was the basis for our stepping forward and asking for the opportunity to look at the proposal that was put on the table by Mr. Cadwell and also look at the larger issue of mental health facilities and programs in our community and where they fit in terms of current operations and where we would like them to be and where we believe they rank in terms of wants versus needs in our community. So earlier this year when Commissioner Beaver and I volunteered with the approval of our respective Boards of Commissioners to evaluate the options, we started out with the premise that you could take any set of numbers and there's a pretty broad scope on how you can cast those numbers. That's not to say anybody is intentionally inflating or deflating numbers. It's simply to say reasonable, honest people can look at the same set of numbers and come up with different conclusions.

So our task as we saw it was not so much to try and get to the credibility of numbers and whether or not this was a viable financial proposal but rather to look at it and see whether or not it was a viable long-term strategy to help us put in place the kind of programs that we need and have a reliable continuing long-term funding stream that would guarantee that once those facilities were in place that they would in fact stay there.

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In fact, probably the only thing worse than the system we have now in my opinion would be to put one in place that is a proper system and then not fund it for the long run. That was key to our thinking is that it needs to be reliable, long-term funding stream.

The process we used is we met with what we considered to be some subject-matter experts to learn more about the need for a CCRC. There are so many dimensions and points to this discussion. I want to make sure I capture them and get them in the right sequence so I will read off my notes.

The process: We met with subject-matter experts to try to spin up our level of expertise. We discussed the importance of helping people with mental illness rather than simply routing them to a jail system that we believe is ill-equipped to diagnose or treat such illness.

On the issue of people with mental illness ending up in our jail systems, while this particular issue hasn't touched me or my family personally, I've encountered enough people who have had that experience in the last few months and talked to them and learned of their experiences that it really has become quite well-ingrained in my thinking that there are very few indignities in my mind that are worse than taking a person who truly has a mental illness and treating them like a criminal and in the process exacerbating their illness and not providing the treatment. I understand the need to protect public safety. I understand the need for law enforcement to have training in being able to diagnose between the two. But even if they do those things, they've still got to have a place to take these people, and the notion of taking people who have a legitimate illness and throwing them in jail just more than ever in the last few months has really set in with me; I just find that unacceptable.

We acknowledge the secondary benefit of reducing the burden and the costs placed on our jail systems.

We considered the relative merits of taxpayer-funded public services against the benefits of a CCRC.

We did not perform a technical economic review. We looked at the numbers. We took our best assessment as to whether or not we thought that the projected and hoped-for

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savings would be adequate to cover a facility, not only the structure but the operation of it. It was at that point that we became very concerned about the unreliability of those potential funding streams, not questioning that they are there or aren't there, just that it needs to be predictable and reliable to have an ongoing system.

Mr. Peck referred to a Tri-City Herald editorial. Our friends at the Herald have alleged that this process has been handled secretly as if to suggest some untoward behavior, citing our preference that Mr. Cadwell not attend our meetings on the subject. As public officials we knowingly open ourselves to criticism, some founded, some not, but we readily accept that as part of public service. We accept that as part of the job. We're not complaining. We're not whining. That's part of the deal. We accept it. But sometimes those criticisms miss the mark. In the process, when they mislead the public, I think it's important for us to address them.

In this particular case I need to point out that we did express a preference that Mr. Cadwell not participate directly in the meetings on this subject. We did, however, each of us independently, request his input. He was gracious enough to provide that. That needs to be clear.

More importantly, we looked at it from the standpoint that had we included Mr. Cadwell in the meetings, we would have compromised him and his role in this effort given the obvious potential for a conflict of interest claim. Remember that under the proposal Mr. Cadwell would have become or could have become builder, owner and landlord of a facility leased by a county with public dollars. That clearly creates the potential for at least the appearance of a conflict, a consideration that frankly appears to have eluded our esteemed Tri-City Herald Editorial Board when they prepared their missal on this subject. State law by the way not only requires the avoidance of a conflict of interest, it requires the avoidance of even the appearance of a conflict. For him to have graciously and generously stepped forward and made a proposal like this and for us to then take action that effectively takes him out of the picture and makes him a nonplayer and doesn't allow him to participate in a solution, i.e., building a building, isn't fair to

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him, isn't good for the community, and frankly fails our responsibility as public officials, but we had to do so to avoid conflicts of interest, real or apparent.

Nevertheless, we absolutely want to thank Mr. Cadwell for offering to build a structure to house the CCRC and to lease it back to the counties. If nothing else, his offer provided an extremely valuable and I think necessary impetus for the counties to give this issue a fresh look, to give it the kind of focus that it needs. It's a task that Mr. Beaver and I frankly were happy to accept in the interest of advancing this cause.

I want to be sure that my comments aren't misconstrued to suggest that Mr. Cadwell is not every bit as involved in the future of this solution as he was a month ago or six months ago. Frankly, it's our caution in not overly involving him and avoiding a potential conflict of interest that allows him to continue to be as involved as ever. So that was our purpose. I hope that's clear.

As for Mr. Cadwell's proposal, it called for a 20-year lease commitment from the counties. Such a commitment would require a dedicated, long-term funding stream that frankly does not exist today. Commissioner Beaver and I don't believe that we have the legal or ethical authority to commit to a long-term lease without first identifying reliable long-term funding sources. Remember that we're talking a 20-year lease from an organization, Human Services, that has a 24-month budget cycle and no dedicated funding stream to pay for this. What do we do in years 3 through 20? It's not to say that we couldn't find the money, but I think going into a proposal, you need to have a confirmed funding source.

So for that reason, we cannot directly support Mr. Cadwell's proposal or frankly anyone else's proposal to build a building until we resolve what is the real issue here, and that's funding for mental health programs. As I said, we both support a long-term solution to the CCRC problem rather than continuing to limp along with the present band-aid approach to serving our citizens afflicted with mental illness.

We also want to be clear that the solution to our CCRC need – and I'm going to start talking now about needs versus wants -- should be a community choice among responsible options and that we need to remain open to suggestions or recommendations

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that anyone wants to send our way. This is by no means the end of this discussion. There are still ample opportunities for people if they want to step forward with a better solution than what we might propose today to please do so. The door is open.

Commissioner Beaver and I are both strongly opposed to raising taxes every time the community sees a new want or a new need, especially in what I think can fairly be described as less than ideal economic times. So we want to be clear. We both consider a new CCRC to be a community need which we see as a much higher priority than a want.

That brought us to three options.

The first one was what we call a no change option: Basically we continue things just as they are today, no new taxes, it's the lower cost, and frankly the least desirable in our opinion.

The second option would be to raise the tax as a funding mechanism to give us the long-term reliable funding stream to build a proper facility and to staff it appropriately. Commissioners in both counties currently have the authority to vote in a 1/10<sup>th</sup> of 1 cent sales tax increase that would raise the funds specifically for our mental health needs. That 1/10th of 1 cent sales tax increase would generate about \$4 million a year. If you think about what \$4 million a year would do in terms of bonding to build a CCRC and remaining funds to help fund its operation, that is a substantial, reliable, long-term, predictable funding stream that we frankly think is appropriate for this use. Obviously the Legislature did, too. That's why they put the authority in place for commissioners to vote even without a public vote for the county commissioners to impose that 1/10<sup>th</sup> tax.

The third option was to fund this facility with the same predictable long-term, reliable funding stream but to do it with no net tax increase. This option includes a review of our current public tax dollar spending and requires us to look for what we consider lower priority wants and perhaps lower priority needs, to do the difficult work of assigning relative merit and value on behalf of the community as a whole, and look for ways to offset a tax increase for mental health so that we have no net increase to the community but we fund a need.

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So the proposal is that the commissioners pursue a fully funded CCRC with no net tax increase and we do that with commissioners in both counties agreeing to publicly commit to vote for the mental health tax increase of 1/10<sup>th</sup> of 1% with that tax to take effect immediately following the identification and reduction of another local tax of equal or greater value to fund the CCRC and its programs and at the same time to ensure no net increase in taxes on our citizens. The proposal requires us to make important individual decisions as county commissioners about community priorities.

I want to emphasize the individual decision because I guarantee you've got six commissioners up here and you've probably got at least five different views on this subject, maybe 12; I don't know. I do want to emphasize that I'm speaking for myself and Commissioner Beaver and he'll have some remarks. We will no doubt have discussion and each of these commissioners has obviously just as much voice.

Some in our community have told me that they feel the answer is to simply raise taxes and to just pay for everything that we want and that we ought not be afraid to do that, that they don't think that the tax rate is too high. I hear other people tell me that the tax rate is absolutely too high and we need to start cutting programs. The point is you're not going to satisfy everybody in this discussion.

I'm not going to attempt to speak for any other commissioners other than the discussions that Commissioner Beaver and I have had.

We've discussed this matter enough that we've both firmly come to the conclusion that we believe that raising the current sales tax alone to fund this is unacceptable and perhaps foolish in the current economic climate. I've talked to a number of retail business owners and when I suggest the notion of raising the retail sales tax, they're quick to remind me that communities who do that as a matter of routine to fund their programs end up with very high sales tax and have people shopping across the border in nearby no-tax states.

We also believe that there are systems within our community that are as important to many people as a CCRC. I want to speak specifically about our Transit system. Commissioner Beaver and I both consider the bi-county Transit system to be a high value

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need -- which is well above a want -- a high value need for our community. We do not consider it a "nice to have" service. It's a need. It's high value. However, we also firmly believe that the present sales tax, approved by voters in healthier economic times before the CCRC question came to a head and for the purpose of paying for the bi-county Transit system, can and should be reduced by an equivalent 1/10<sup>th</sup> of 1 cent from its current tax rate of 6/10ths down to 5/10ths and that that would represent the offset with the commissioners' commitment to vote for the mental health 1/10<sup>th</sup> increase. So you can see the two offset each other cleanly and what we are in effect doing is trading one off for the other. We recognize that the Transit system presently consumes about one-third of all of our local sales tax dollars. We believe that the difference between 6/10ths Transit tax and 5/10ths Transit tax constitutes a want even though we've already acknowledged that the system as a whole is a high value need.

Commissioner Beaver and I believe that the majority of the citizens of the two counties would rather have a 5/10ths sales tax for Transit with a fully funded CCRC than to keep the current 6/10ths Transit tax and look elsewhere for CCRC funds. However, the only way any of us can or will know what our citizens actually prefer is to place the question on the ballot this fall. So we are therefore recommending that a ballot measure be placed this fall asking the citizens of our counties if they wish to reduce the Transit tax with the understanding that the six commissioners or a majority thereof would publicly commit to impose the 1/10<sup>th</sup> mental health tax to fund what we believe is a higher need for our community, a funded CCRC facility and programs.

The bottom line is we believe this is the responsible course. We are absolutely eager to and committed to respecting the wishes of voters. We're calling on our fellow commissioners to join us in the public commitment to seek this ballot measure. We ask our fellow commissioners who are also members of the Transit Board of Directors -- which three of the seven Transit board members are also county commissioners -- ask them to join us in acknowledging and recognizing that we can't without continually raising taxes fund everything that we want and need, and that sometimes we do need to make very difficult choices. With the funding in place, we believe the counties would be

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well-equipped to construct a facility, site it in the manner that best serves our citizens, and alternatively we will have the dedicated funding stream necessary to legally and ethically enter into a long-term facility lease with Mr. Cadwell or other potential property owners. As far as we're concerned, either approach is entirely feasible. But we don't believe that either consideration is responsible until we nail down the funding question. As easy as it would be to say let's just raise taxes over and over and over and fund everything we want, that's not in our opinion responsible government. That brings us to this recommendation.

We look forward to helping solve the funding issue. We are hopeful that we can have a responsible, reasoned, respectful, public discussion about what the community feels are the needs and wants and priorities. Each one of us that has a voice in this discussion as a county commissioner has differing passions and different points of view about where these priorities are and we're looking forward to an open and honest and respectful discussion on that question as well.

Mr. Peck asked Commissioner Beaver to add any additional comments or thoughts.

Mr. Beaver thanked people for coming. He thanked Mr. Cadwell for meeting with him. We did have some discussions. It's nice that a community leader has stepped forward and said this is a problem. I understand the problem and I'm here to help you. I've always said in my 19-year political career, that's the kind of community we live in and that's the kind of community other people just are amazed that we have. That's who we are. There is a need and there is a problem.

Now I'd like to talk about some other problems we have. Our mental health system is in trouble. There might be some people in here that are aware of that. Irrespective of the CCRC that we're talking about constructing to help solve some of the problems we have locally, we have a statewide and a national health problem. That's what politicians tell you when they're about to tell you we don't have any money.

What does that mean? He gave an example from Yakima County involving a letter from the Attorney General's Office that was sent to Greater Columbia Behavioral

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Health (GCBH) about money. The Attorney General opinion stated that the county is responsible for the costs of providing defense counsel to represent indigent persons in short-term involuntary commitment proceedings. What does that mean? Two pages back in the letter, it means \$415,200. This is a bill to Benton County and Yakima County reminding us that we have to pay this based upon a letter that the Attorney General sent. Again, it's the money piece of this tree.

These programs we're in are tied to a lot of different things. Whether it's the Department of Social and Health Services and a letter from them talking about what we're going to have to pay them, or we move into the funding that they either say we will or will not have, what does that equate to? It's either a possibility or reality. We can't build a facility on a possibilities and not realities. This particular letter is talking about a decrease in state funding of \$12 million. We can't build a future on the idea that if we get a letter over a 20-year commitment on a facility that we collectively as the two guys that raise their hand believe we should build. So we didn't raise our hands and say this is a bad idea; put me on the committee. This is a great idea. How do we fix this? Once you raise your hand and say how do we fix this, then you find out what's broken.

There are pieces of the puzzle that we're trying to use, tools in the toolbox, that are changing all the time. Again, it's about money. We think there has to be a steady, direct income stream to provide this program this facility that we have voted for, passed locally, and said this is a priority. There's been a plan laid out to be a neutral kind of thing; this is what we see.

I'll give you another example. Is there anybody in this room that's had a child move out of the house and indicate they were going to take care of themselves for the rest of their life? How long did it take before you had to go get them and bring them back? They give you that list of stuff they're going to buy. He explained his example further.

Mr. Beaver said he gives the examples because we need to sit down and we need to solve the funding problem so that we can get some horsepower behind Mr. Cadwell, because I do think he has a good idea. What happens when we have a good idea? We have an analysis of the good idea. We spent three months looking at this analysis of a

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good idea. We need to beat the streets and talk to our constituents about this particular need, getting the funding stream in place, which is why we're trying to come forward with some plan of action, and then provide the resources, i.e., the money to get behind the idea. Also in the report I know there's some discussion in the report about who's going to manage it, who's going to take care of it. I'd like to have those discussions after we have it built, not prior to construction. It sends a bad signal to the community that we're not in agreement and that we can't get along prior to having some vote -- will you support us on this mission.

We in this room need to be salesmen and stewards of our community and say this is important. Most of the people that know me and know my political career have heard this: I hate taxes. I don't like them. I've operated small businesses. I think they choke small business. I could go on a tirade about taxes. But when they are important to the overall community health that we're in, it's my responsibility to stand up even as a guy who doesn't like them and say this is important to us.

That's where Commissioner Peck and I are. We're ready, willing and able to stand up and say this is very important. I have been to Mr. Cadwell's office. He wore a tie today. I don't want to put him on the spot but I think it's a big day there anyway. We joked about not wearing a tie and not getting so wrapped up and being so focused here that we couldn't think about what we were trying to get done. I'm so focused about what I'm trying to get done, I know how to do it. We can put a drawing of a building and a facility out here and then we can talk about how come the bathroom's on the back and how come -- That is way before saying, community, this is very important. Having a safe community is the number one priority, public safety. If we have people in our community, if they're not incarcerated and they have a problem, then they're in our community and they impact our community. I think this is the choir that I'm preaching to this morning about the impact on our community. There's dads and moms and grandmas and grandpas in this room or we all wouldn't be here. This is about our community wellness and community health and it's very important. We don't know where this is going to end up but Brad and I think this community conversation needs to move forward.

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It needs to get out in the broader community. It needs to get to McDonald's at 7:30 because that's where the senior citizen guys get free coffee. Why do I know that? It needs to go to the Spudnut Shop in Richland. It needs to go to that restaurant down in Paterson where the back door is the only one that's open at 7:30 because it doesn't open until 8:00 but if you get there and go through the back door, they sit there and have breakfast. That would be their local community in Paterson. There was their community. These are the community conversations we need to have.

We do have a proposal on the table. It's about balance and priorities. Everyone in this room understands I think balance in their life. It's pretty easy to figure out what happens when it gets imbalanced. It gets different. The picture changes.

I grew up in a small business, working 60 hours a week when the store is open. Then you work the other eight to ten hours on Sunday when the store is closed because then you don't have any customers. Anybody run a small business? Carl built one. Now it's a big one. But he didn't do that on a 40-hour work week. You can't. You can't pull it off.

So we do need to come forward as a community. We've got to solve this problem in my opinion.

Brad and I have embraced this idea. We are ready to provide whatever horsepower we can provide, whatever debate we need to be at, and whatever negativity that comes out of anything. I've never been in a meeting that has a closed door. I don't know what that means and my personality doesn't match that. It's hard to see but my heart is right there. It's never anywhere else. I wear it on my sleeve. So I'm ready. If it's not this funding mechanism, if it's a different funding mechanism, it's got to be a funding mechanism. In my opinion we need to get this finished. Celebrate our victories for saving somebody's life. I think that's why we're here. That's about the end of my thoughts.

Mr. Peck said the only real concern that I had about bringing this proposal forward is that some would see this as an opportunity to, in their eyes, once again attack Transit. I want to be crystal clear. Jim and I both regard Transit as a high value

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community need. We also believe that the tradeoff is responsible and in the best interests of the community. However, if someone else has a better way to fund a reliable income stream to meet this need, another mechanism, we are absolutely wide open and want to hear it. But we think this is a responsible, prudent, fiscally astute approach to getting the necessary funding. This is not about beating up on Transit. This is about balance and priorities in our communities and recognizing that if you've got a choice between the new DVD player and food in the fridge, you've got to decide what's most important and you've got to have the courage as citizens and as elected officials to stand up, speak your mind on it, be honest, and then be accountable. I think that's the bottom line.

Mr. Miller said it sounds like you're proposing option 3 which is to reduce 1/10<sup>th</sup> on the ballot for Transit and then there will be another ballot asking for 1/10<sup>th</sup>?

Mr. Peck said no. The 1/10<sup>th</sup> mental health tax, we have the authority under a councilmatic vote where two of the three Franklin County Commissioners can vote it in. The other piece that everybody needs to understand is the proposal is that the commissioners would publicly commit to vote yes for that tax if we get a ballot measure this fall asking to reduce Transit from 6/10ths to 5/10ths as the tradeoff.

Mr. Miller said I just wanted to make clear that that was councilmatic on that particular one.

Mr. Peck said it would require the commissioners to publicly commit that they would support that as the tradeoff.

The piece that requires some discussion is if we make that commitment and the Transit board is willing to place it on the fall ballot and it does not pass, the voters say we do not want to reduce it, then what do we do? I say we respect the voters. We go ahead and stand by our commitment to pass the councilmatic tax, because ultimately it's not what we think, it's what the citizens think. The point of putting it on the ballot is to give citizens a voice and give them the opportunity to tell us what they want. It needs to be very public, it needs to be very clear, that the commissioners will commit to vote for 1/10<sup>th</sup> and we're asking voters for a 1/10<sup>th</sup> reduction in Transit and if they choose not to do the reduction in Transit, knowing that we're still going to go forward with the 1/10<sup>th</sup>

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mental health, then so be it. That's the wishes of the citizens and we ought to be pleased as punch to stand up and respect that. I'm sorry about the long answer but there were three components that needed to be addressed.

Mr. Beaver said what we don't want to do is we don't want to lose any programming. We don't want to impact our customers' package, the resources that we are trying to provide to the community. We don't want to impact those resources.

We've got a Benton-Franklin Health District building. Because of the environment that I laid out earlier, which is the state and how the money comes down and the different colors of money and the way it's spent, when the state says we have an \$8 billion deficit, that means something to Human Services and it means something to us. It means that those income streams are going to start drying up so now we end up losing programs. We can't pay for the building. That's what happens. So then there's a request to offset the cost of the building with tax dollars that are going away. It puts us in a no-win situation. We thought instead of going down that road and maybe getting in a situation where we put a deal together with Carl and we get the building built and things are okay, and then the different colors of money start drying up and now we can't pay for the building -- Let's not do that again. That didn't work last time. I know right now in Benton and Franklin County, we're having a discussion about how the Benton-Franklin Health District is operating, about how we can assist with resources we have, so that it doesn't impact programming.

Mr. Miller asked Commissioner Beaver and Commissioner Peck, which comes first, propose the councilmatic at 1/10<sup>th</sup> or to put this on the ballot and then if it fails to go to that -- Do you have a plan to step ahead?

Mr. Peck said let me cover that again. It starts with a public commitment by the county commissioners of Benton and Franklin County to pass a councilmatic 1/10<sup>th</sup> of 1% sales tax increase as authorized by the Legislature to provide a dedicated funding stream for construction and operation of a CCRC. The commitment is step 1. Step 2 is placing it on the ballot and asking voters to approve a 1/10<sup>th</sup> reduction in the Transit tax. The third piece is after that vote takes place, do we move forward and approve the councilmatic

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1/10<sup>th</sup> regardless of what the result of the Transit vote is, do we approve it only if the voters agree to reduce the tax? That's the open piece of the question. I've already said that I would support the notion of passing the councilmatic tax even if the voters don't go for the 1/10<sup>th</sup> reduction in Transit. I will tell you that six months ago I would have had a different point of view. I spent some time with Mr. Bopp and with others learning more about the challenge that is real in the community and frankly the level of indignation I think of taking people who are ill and incarcerating them and not treating their needs is a real affront to our citizens. Until you get a closer look at the situation, I'm not sure that you can fully appreciate that. I don't think I did a year ago. I have a much better perspective now thanks to that education.

I think we need to move ahead and do this regardless. However, I'm leaving the door open for the other commissioners to say and for us as a group to agree that we would only impose the councilmatic tax for mental health if the voters agree to the 1/10<sup>th</sup> reduction in Transit.

Mr. Miller said you read about Transit being in a deficit now because of the reduced tax so they're cutting programs, cutting routes, and cutting Sundays. So I looked into the budget and they're down about \$1 million because of the reduced tax, just like we are in the county, state and everywhere else. If we take another cent from them, is that going to destruct Transit? I think that might be a question. This leads to the next question I have. He asked Human Services Director Carrie Huie Pascua about the budget revenue number for Human Services.

Ms. Huie Pascua said she does not have the exact numbers. The amount for the entire department including all the program areas is about \$22 million. Mr. Miller asked what is the Mental Health portion? Ms. Huie Pascua said it is about \$18 million. It's our largest program area.

Mr. Miller asked if anyone else has any questions or statements. Mr. Koch did not.

Mr. Peck said since you raised the question of actual dollars and funding and the potential impact on Transit -- and I know Commissioner Bowman who is very conversant

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with their budget as the chair of the Transit board will speak I'm sure in detail on the subject -- the Transit budget is about \$43 million. In fairness that includes capital money but also in fairness some of the stimulus money that comes in that has recently been approved is not just for capital but also for operations. The question is not really whether or not this would impact our ability to fund Transit as it is. It's a question of whether or not we would with a 1/10<sup>th</sup> reduction still be able to fund a Transit system that is adequate to our community, albeit perhaps not as stellar as we have enjoyed in the past, but we can never forget what the plus side of the balance sheet is, is that we get a CCRC with a dedicated funding stream. And so the question is, is that optimization of Transit? Are we willing to trade that last part or that last amount, that last bit of optimization in Transit or size or number of routes, for a CCRC and a dedicated funding stream? I think it's a good and responsible tradeoff. But you have to keep the numbers in perspective. It's not just whether or not it reduces it; it's whether or not it takes us to a point that we can't function.

Mr. Miller said just from what I know, the Transit budget is \$29 million from tax revenue and it's another \$1 million for capital this year and \$2.7 million I think for stimulus grant for capital. Mr. Bowman nodded in agreement. Mr. Peck said he thought the stimulus was over \$3 million. Mr. Bowman said it is around \$2.7 for the stimulus and there is an additional grant. Mr. Peck asked so those two together are \$3.7? Mr. Bowman said off the top of my head, yes. Mr. Peck said an additional \$3.7 above the normal budget.

Mr. Miller asked if Franklin County Commissioners had further statements.

Mr. Koch said my only statement, naturally not knowing where this meeting was coming from, it's hard to spend very much time on it, but as far as the Transit reduction for one thing, if you're taking \$4 million out of Transit, it's definitely going to change the whole shape of the system itself, which a number of the people that need the CCRC are going to use. So again we're back to hurting the people with needs.

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Mr. Benitz said first off, on behalf of Benton County we want to thank both of you for taking on this daunting task of looking at what is in the best interest and the issues that have been presented here.

Mr. Bowman said I have a couple comments. It was predicted that I would have a lot of detail but I do not. I did not come prepared to talk about the numbers for Ben Franklin Transit. Philosophically, I will comment that since I've been a county commissioner I've always had a prioritization review. I believe there are things we have to do. These are things that are required by our contract called a charter from the state of Washington provide to our citizens as well as citizens of the State of Washington. There are the have to's, there are the nice to's, and there are also need to's. So there's have to, need to and nice to. And how the citizens prioritize those things is typically how I feel obligated to do that.

With that being said, I'm going to use the term coined by Mr. Peck, the attack on Ben Franklin Transit. Again, Ben Franklin Transit with the exception of schools is the only one that's ever been voted on by the people of Benton and Franklin Counties for the Transit tax. Not only was it done; it was done five times. It was by the citizens of the system many years ago that they even wanted it. It was not a government agency that proposed it. It was the citizens that proposed the tax for the Transit system and it was the citizens who since that time expanded it to Prosser, Benton City and Finley. That was an issue of the people of the community that said we need that Transit system and we need to expand it to these areas. Then most recently, some seven years ago probably, when we lost the money with the car tab initiative, the citizens said we want it back to the way it was, and so the latest 3/10<sup>th</sup> was again voted on by the people. There is no question that only 60% of the people said yes approximately, meaning that 40% of the people did not respond or said no.

So you're always going to have the pros and cons of the people that say no, something else is a higher priority, whether it's the business taxes that Commissioner Beaver is talking about -- I understand that, I had a small business for 32 years. I have

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not always been an advocate of Transit. In fact, at one point in my life I was out to get rid of Ben Franklin Transit.

But with the vote of the people continually saying yes, we want Transit, it's important to us, it's important to our families, it's important to our senior moms and our dads and our kids. In fact, when you look at who voted, the vote was by the people who don't use it for the people that do use it, just by sheer numbers. So it's been voted on.

I personally am not ready to do that. I do not hear the uproar that's saying Ben Franklin Transit is too fat. In fact what I'm hearing right now is the people that are losing their Sunday service, the people that are going from half hour waits up to one hour waits, which means the bus comes by every hour versus every half hour, those are the types of things that would happen if we were to lose \$4 million.

Let's take a look at the \$4 million. As already identified by Mr. Miller, at this rate Ben Franklin will lose \$1 million. So if we want a dependable, predictable, reliable source of funding, maybe it isn't sales tax, because if we depend on sales tax – the 1/10<sup>th</sup>, the \$4 million – to pay the lease or debt service and it goes down, then where are you at? So it's not necessarily as reliable as it's been led to believe. We're experiencing that. In fact, there are three public hearings today for the reduction of routes, elimination of routes, elimination of services, and the increase of the fare for Transit. Coincidentally it happens to be today. On Thursday, it will come to the Board of Directors of which there are three of us here that sit on that board.

In my 70 years I don't remember the first or the last time they robbed Peter to pay Paul that's ever really worked. Maybe there is, maybe someone has seen that, but I have never seen that, and I think this is a rob Peter to pay Paul. I don't know that it's a reprioritization. I don't see letters to the editor. I don't see people in the coffee klatches that I go to that say let's reduce Transit and give it all to somebody else. I just don't see that.

Councilmatic, not for me. Not from me, no time, no way. I would do an advisory ballot for a councilmatic but I will not assess new taxes for anybody even though I have the authority or the power for any reason.

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Again, the dedicated funding stream, we're already seeing sales taxes appreciably way down. It's causing trauma within Transit of trying to provide the services that people need and expect and are paying for. We just have to do that to be good stewards of the financial conditions, as we all are, all six of us here.

I am not in any way speaking against the CCRC but I just don't believe that robbing Peter to pay Paul is the right way to do it. Again, I will not support a councilmatic assessment of taxes under any condition with or without the loss of funding for Ben Franklin Transit. Do we need to improve services for the mentally ill? Absolutely. I totally agree with that. There's no question in my mind. I just don't know where the funding is going to come from. Ask the citizens to balance that issue. If the citizens come forward in enough volume maybe after today, after the media is here, maybe you agree that CCRC needs to be funded through elimination of Ben Franklin Transit taxes. That's the way it's been established here today is if we eliminate Ben Franklin Transit taxes, then I will assess the 1/10<sup>th</sup>. Well, I just don't buy that. Thank you.

I am not angry or upset with anybody for making a proposal. They've looked at the subject, they've looked at the issues and tried to find the best solution to the issue. I appreciate the hard work, the mental work, of which I'm sure there was a lot of it, soul-searching on Sunday afternoon or 3 o'clock in the morning, any morning, of how to handle this problem. So I appreciate that very much, the work that Jim and Brad have done, but no thanks.

Mr. Benitz said first off I want to thank both of you for taking on this task. I think it's vitally important that we have this conversation so everybody understands the importance of how we provide the services back to the consumer. This is why we're here. We're not here just trying to build a building from my perspective and put a name on that building. That is not relevant to what I think that we should discuss and what we should move forward on.

Funding is a critical part of our services that we provide back to the consumer. But in doing so, I think we have current contracts in place with our agency that we both

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oversee and in looking at the services that we can provide in the interim period of time I think it's vitally important that we have accountability with our contractors. These contractors are vitally important to this community and it's very, very important that that assurance is given back to the consumer that we provide the necessary support and the necessary approach to address our mental health issues here in Benton and Franklin Counties. Even if we all agree today, it would be several years before something would even come together.

So I think it's vitally important that we take a look at the cost of services and the accountability of our local contractors, which are doing us in my opinion a very good job. But in that context I think that we need to be assured that we see what we can do to enhance that accountability and ensure that our director knows and the personnel how we provide that service. If we can improve that, I think that will help here in the interim step.

I have some concerns about our funding sources at the state level and at the Federal level. Commissioner Koch is the chairman of the Greater Columbia Behavioral Health. He knows how vital this funding is for us to provide this service here in Benton and Franklin Counties. If there is a renewed interest in privatization, we can pass any tax, we can do what we feel is important to provide that service back to the consumer, but we would be about \$18 million short and that is a real concern of mine, to have a perception that we're going to improve the services without the funding sources necessary to accommodate what I feel is vitally important for this community, and that is what the consumers need and want.

As we take a look at the future, I think that we need to continue to work with our providers and with the consumers to ensure that we are hitting the target. Room for improvement? Sure, there's probably room for improvement, but we're not going to solve this thing overnight. But until we can assure that that funding from the state and the Federal governments through the Greater Columbia Behavioral Health and its funding formula is absolutely rock solid, I can't support asking the taxpayers that I want to go out and build something that I can't afford a year or two or three down the line. I think that's

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not being responsible to the consumer or to our contracting agency or to the services that we provide out of Human Services.

Not only we as commissioners sit here, we have to be held accountable for those funds that the chairman of the Greater Columbia Behavioral Health oversees. That's vitally important to this community, as we see what is necessary. It's about a \$100 million annual budget. It's a lot of money. But we've got to remember why we're here and that is help provide that service back to the consumer. So if we take a look at this in the context of how we can improve working with our contracting agency, what the consumer wants, and what we can afford for the long term, I think it's something that we can look at in working with our director of Human Services and still provide that service.

So at this time, Commissioners, I very much appreciate your due diligence in looking at some options but I'm not there. I can't in good conscience say that if we go out and build a CCRC, everybody's problems are going to go away. We don't have the money for one, and the services that are being provided right now with our contractors we need to improve. I don't say that derogatorily. I think they're doing us a good job. But I think there is room for improvement, stabilizing that funding, and if we can take a look at how we provide those services in the near future, then I think there's some opportunity. But at this time I have to say no.

Mr. Beaver thanked his fellow commissioners and the audience for listening to the presentation this morning. I think we have a lot of work left to do. It's pretty obvious to me that's going to be a long road, a little longer than I had anticipated. I will adhere to the majority of both Benton and Franklin Counties and I will work diligently to make everything better for tomorrow. I think there's an opportunity.

Again, I want to thank Carl Cadwell for coming forward. I think that's very important. Apparently there's closure here this morning. I'm not sure what the next step is. I do think it's important for us to get issues in front of our voters, constituents. I know that's part of the political arena. I will never be the wisest man in the world; my father was. So I'll keep asking questions and I'll keep learning.

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Mr. Koch said to wrap it up, I also feel this is not done by any means. We need to carry on and look forward. I have to agree with Commissioner Bowman that councilmatic scares me. I would not be at all opposed to put it on the ballot to allow both counties to share in the consequence. By going after Transit only, we're taking just a small portion of the two counties. If it's 50%, it would surprise me. We have a lot of outlying Benton and Franklin Counties that aren't involved in that.

I'm fully aware of the need. As Commissioner Benitz said, being the chair of the Greater Columbia Behavioral Health for the last number of years has brought quite an awareness of mental health that honestly I had no background of when I first got involved in it, besides the self-employment side of budgets and so on. We do have a definite need for both counties in mental health. That is not a question. Our question is going to have to come to how we are going to finance this bi-county-wide.

Mr. Miller gave Claude Oliver permission to speak for one minute.

Claude Oliver asked if the report that Commissioner Peck and Commissioner Beaver delivered is in writing so we can get a copy of it. Mr. Peck said I have speaking notes. I'd be happy to share a copy of those with anybody that wants to see them. It reflects very closely to exactly what I said.

Mr. Oliver said he is just trying to reference where you met, who you met with, and what the data really transpolates. For example, the idea that you can't have Mr. Cadwell build a building, the current Human Services office is now headquartered in a private sector building. He asked how many years the lease is for. Ms. Huie Pascua said five years. Mr. Oliver asked how much the rent is for the year on one building. He said it's a lot. I guess if you're really looking for a solution to take Mr. Cadwell up on his offer, you have the ability to take your services and put them together. Mr. Beaver, if you had a subcontractor working with you with equipment down in Oregon and California and he was losing a ton of money and he said I've got to have more money, you know what you'd tell him? You'd say I'm sorry, you've got to cut your costs and realign because I'm not writing a ticket. This is the same thing that you gentlemen just went through on your address this morning with regards to your approach to doing business for

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this community. You've got to look at how your services align. Taking that budget, the capability to take that budget and work it into a win-win with a CCRC with Mr. Cadwell is there.

Mr. Miller stopped Mr. Oliver.

Mr. Oliver said he asked for a copy of the data because we don't know what you're drawing conclusions from in order to get the report. The Board has spoken. They eliminated the second option. I think that was wise. And we need to look at the CCRC. Thank you very much.

Mr. Miller said I think we all know the seriousness of the mental health issue and me for one being involved in the jail system, I know the difficulty of mental illness of people who are there. I think all the commissioners know that. I think we're all very familiar with the situation.

I do have some problems with the actual proposal and one of them is it does cost money to put something on the ballot and it's not that cheap. I think if you split up the cost it would probably be about \$10,000 to put something on the ballot and that particular issue would have to come back to the counties. It's a small number if you consider it to big numbers we're talking to, yes, but we have to be careful what we do and how we do this.

I think it's a little too soon. I definitely don't want to surprise Transit and come back to them and say, hey, we just cut your budget a penny. We have a meeting Thursday and I think that would probably be an acceptable discussion the chairman of the Transit board might propose. Mr. Bowman said no. We had that discussion already. Mr. Miller said this is something new and different. Mr. Bowman said the board members said no. Mr. Miller said okay.

Mr. Miller said I think in asking for a tax increase anytime now, councilmatic, is probably not a very good idea, because as you know there are other issues going on that are quite controversial. I feel that we need to work with the Department of Human Services and find a way maybe to find an answer for this. That's the department. That's what we should be doing. At this point I can't support either option either.

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Mr. Peck asked did anybody else hear that sound? It's a tin can going down an alley. We're kicking this problem down the road once again. It's been several years that this debate has gone around and around and around. It sounds to me like unless and until somebody finds a trunkful of gold coins in a back alley somewhere marked mental health, we're just going to keep kicking that same can down that same road. Now, I'm not saying that this is the golden answer or the only answer by any means. In fact, I was quite emphatic in my comments that we're open to any and all other better ideas. Frankly, I haven't heard any this morning. So I'm looking forward to my fellow commissioners coming forward publicly with a better answer.

A couple of things were said that I think have to be addressed. With all due respect to my colleague Commissioner Bowman, this is a different issue than what was before the Transit Board before. He himself has spoken eloquently about the importance of respecting the wishes of voters in not raising taxes without voter input. Well, I think the same applies when it comes to maintaining existing taxes, reducing taxes. If you have that respect for the voters, you ought not to be afraid to ask the question and hear the answer, regardless of whether you're asking for an increase or decrease. It's still the wishes of the voters.

Mr. Oliver, unless I misunderstood your remark, it sounded like you were under the impression that this proposal would exclude Mr. Cadwell. I tried to make it very clear and you'll see in my written notes that in fact we didn't have him as a participant in our meetings specifically because I believe under Washington RCWs it would have created the appearance of a conflict of interest and would have made him potentially ineligible to participate in constructing a building in the future. By not having him be a full and intimate part of the discussions, I believe we have protected his role and kept him eligible and free of any appearance of a conflict so that he could participate in future solutions if the community decides that's the best course.

Mr. Peck said it's a plain and simple fact that each of us would love to make our community better in 100 different ways. Most of them take money. The reality is we are elected to make tough decisions about what the higher priorities are and the fact that my

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fellow commissioners don't happen to agree with me or us on this particular point is fine. That's part of the process. But we all work for you. If you don't agree with what you're hearing up here, I think it's in the community's best interest that we go forward with a respectful dialogue in which you make it very clear what your views are, because I don't think there's anybody sitting up here that doesn't respect the people that we're elected to serve. I don't think there are any of us that don't want to act on your best behalf. But it's clear that we do not have anything even approaching a consensus here. I'm personally concerned that that sound is going to keep on for a long time and I don't believe that we can simply go in and improve efficiencies and generate the kind of additional funds necessary to build a proper CCRC even with the efficiencies that are inherent in it.

The last point, Commissioner, you pointed out that you have concerns about making further commitments to budgets without knowing what's going to happen with state and Federal dollars. Well, I, too, wish that we could have those assurances and we could plan on knowns rather than unknowns. I think we're all adults here. We know that none of us is ever going to know exactly what's going to happen with state and Federal budgets in future years. That's just a big unknown. We've got to work with what we have now. Thank you.

Anna Bopp, the new president of the NAMI organization in the Tri-Cities, spoke: I'd like to make two points. First of all, thank you so much for trying to think outside the box. I appreciate the money issue myself. We all like to live with a balance budget.

Two points come to me. I gathered from Mr. Peck that he very much loves Transit, that he's not anti-Transit. He's trying to make it more efficient. I can't believe that there's not \$4 million of inefficiency. If you see the buses go by, you see one and two people sometimes during the day getting to a very important appointment and I'm all for getting them there but maybe we could do it in a more effective way. So there's got to be some slimming down maybe that we could be creative.

I'm also wondering if the jail fund does not come out of general funds. We are pushing for a CCRC to keep most people out of jail. Why can't we transfer some of those monies that we keep thinking bigger and better works for jails and it doesn't? It

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doesn't do much for anybody. We need to be able to put people back in society, not making them inoperable. So I'm wondering if there isn't a source of funding there. Let's continue to be creative. Thank you, Mr. Beaver and Peck, for all your hard work. I don't want the tin can sound anymore either.

Laurel Piipo from Richland spoke. I moved here in the fall of 1951. The mental health issue is very, very important. Commissioner Bowman, human lives are more important than bus rides. Mr. Benitz, no one has a crystal ball. If you have a problem, you need to deal with it now. I firmly advocate that you take this small amount of tax from the Transit company and put it towards saving human lives, keeping people out of jail, enabling them to be diagnosed and treated so that they can become productive citizens. Thank you very much for your concerns and I hope that you will stop kicking the tin can and do something. It may not work 100%, but for heaven's sakes, let's not talk this thing to death any more.

Carl Cadwell spoke. Thank you, Jim, Brad, for your hard work and the rest of the commissioners. This has been an interesting journey. I'd just like to bring up a couple of maybe salient points.

Currently you're paying \$154,000 a year in rents in the Department of Human Services in three different facilities. Our proposal increased that rent from \$154,000 to \$231,000, combining all those into one facility and hopefully getting better services from your current dollars that are being provided. So we are really looking for an \$80,000 a year kind of commitment over and above what you're already making, not \$4 million, to get into a consolidated center. I appreciate the concern about having long-term funding. That's a concern at every level including our businesses and counties and states and Federal government. If you took all the services and didn't increase any level of service whatsoever and brought them together, which I believe would be a much more efficient operation, you're really looking for \$80,000.

I looked at a lot of items in the 2009 budget that you passed. One was very interesting because you passed salary increases. What's our CPI for 2008? It's 1/10<sup>th</sup> of 1%. That's how much our cost of living went up in the United States in 2008. Usually

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salary increases are somewhat tied to a CPI index unless there's merit pay involved, which it could be more. The salary increases you voted on just in the administrative side itself were 7% increases. That 7% increase is about what you would have needed to fund the additional rents that you need and you're committed to those, probably on long term.

Mr. Cadwell said the other really minor point is that when he presented the first contract terms, he really wrote that up and just put in some numbers to help you in terms of what the terms of the lease might be. It was really a 10-year commitment, not a 20-year, with two five-year options. That's open for discussion, too, of what you really need and what you can live with.

So my proposal, and you want a going forward position, is that I would like to take the two fine commissioners who have been working on it, Carrie Huie Pascua, Ed Thornbrugh, the two county administrators, the RSN auditor Troy Wilson and myself and look at the budget and see what buckets can be moved and what other savings can be done, what happens with hospitalizations, what happens if we can move some of that hospitalization over across, which is \$700 a day, and really take another look at what your current budget is without increasing any of your costs and moving buckets around, which I don't believe has been done. I would like to get us together and do that in a very short order. That would be my going forward position to see how we can stop kicking the can and get this moving because we are really looking for \$80,000, not \$4 million necessarily, to take what you have and consolidate it and make it more efficient. I think it would be great to have \$4 million to have a fabulous system but right now our score in the two counties in delivering mental health isn't where it needs to be and we need to make those changes. I've been consistent and passionate about this and very patient and I'm still patient, I'm still just as persistent and still just as passionate. Thank you.

Mr. Miller thanked Mr. Cadwell for his comments and for all the work he's done on this project.

Mr. Beaver said Mr. Bowman, Mr. Benitz, once again I will raise my hand.  
Mr. Peck?

Mr. Peck said after this meeting, I wouldn't pass up the chance.

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Pat Underwood spoke. She lives in Richland and has worked for Benton and Franklin Counties for 31-1/2 years. I feel the need to speak to the fact that it was just stated that there was over a 7% increase in the cost of administration because it may look like that on the budget – I'm not saying you couldn't find that difference in numbers. I believe the increase for 2008 might have been 3-1/2%, which I thought was awesome and wonderful and unusual. But that was based on the cost of living for 2007, not the 2008 CPI. As we all know, there's been a dramatic change in the last couple of years. I don't think we are looking at any huge increases for 2009 because there has been a downturn and we all just want to bite the bullet and keep the ship afloat. I do have to disagree about anybody getting 7%. There's a step system in place for all county employees. She described the step system briefly. You might be getting one of those increases plus whatever the cost of living was. But we're not giving the county's dollars away foolishly.

Gordon Bopp, past president of NAMI for State of Washington, spoke. In that capacity I worked with the governor's office on the mental health transformation working group which was charged with addressing the concept of implementing a transformation of the mental health system for the state of Washington. Washington state was one of seven that received a Federal grant of \$13.1 million over a five-year period to address all of the issues related to mental health and in fact to transform that system, which means to make significant changes in the way that we do business, in the way that we provide services, and in the way that we fund those services. The challenge as part of this project for the state of Washington is that local communities and county governments have to pick up their end of this project. It's up to them to find ways to implement processes, procedures, and in fact budgetary issues in order to transform the system so that proper services can be provided and we can stop the insanity of putting people in jail consistently just because they have a mental illness. This is a travesty and as a part of the national organization, our number one priority is to stop this insanity and divert people from going to jail, put them into proper treatment, and allow them to re-enter the community as taxpaying citizens. What we're doing now is just not working.

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I would challenge the commissioners to step up and find ways – and I commend the two who stepped outside of that box already and looked at some creative thoughts here in this process – because it's up to you to work with the state in transforming our mental health system. In particular the legislature has done part of this. They provided for a 1/10<sup>th</sup> of 1% sales tax increase at the discretion of the county boards in order to fund new and improved mental health services. That's part of the transformation project.

The CCRC is part of the implementation of Senate Bill 5533 approved a year and a half ago to divert people from the jail system into treatment and evaluation and service provision.

So that's the challenge and I think kicking the can down the road, robbing Peter to pay Paul, I understand the concept, but as Commissioner Peck has pointed out, somewhere we have to weigh what is more important to the community, and to me the lives of our citizens who are being destroyed by not addressing mental health services is the number one priority. I thank you for the work you do and I hope you won't drop the ball now.

Chris Troyer from Richland spoke. She said today's newspaper said the Benton County Commissioners will be putting on the ballot an increase in property taxes for the welfare of our dogs and cats and for animal control. As I sit here, I'm thinking of the welfare of the human beings and their mental health. I want to address to you each, it may be courageous to think about our animals, but how about the welfare of our people? It's at this point we need to go into that and have the courage to ask the people that are interested – the people traveling on buses, which I'm for – and to put forth whatever kind of funding, whether you have to trade or whatever. Let's look at the welfare of the people.

Claude Oliver commended Commissioner Beaver and Commissioner Peck for stepping up and offering to work with Mr. Cadwell. I think there's a real solution that can be found there for our communities and I appreciate and applaud your efforts there. Brad, don't worry about the written report. We'll do this exchange over coffee. Jim, I'd

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love to have you there, too, as well. So keep going. I think you're going in the right direction. Thank you very much.

Mr. Miller asked if there were any other comments. There was no response. Mr. Miller thanked everyone for coming. He said I think your input has really helped. I think we need to continue it. Kicking down the can is a hard process. It's something we seem to be doing a lot of times just simply because the money isn't there. Yes, we can find the money. What do you take away? Take for instance Juvenile Drug Court. Franklin County could not provide the rest of the money for them to finish out for the year because of their state funding cuts. All we needed was \$14,000. We didn't pass that because of our budget situation. So this is a tough time right now with finances. I'm hoping it gets better.

Mr. Miller said I do think we need to look this year when we open up the budgets in December or even sooner – we'll be opening them up here in a couple months. We can look at different things. Maybe there will be different priority changes. I thank you for your input. I thank you two for the work you've done. I think it's been excellent. I think you need to take the risk in bringing these things out and let everybody listen to this. Thank you to the other commissioners from Benton County and Bob Koch. Again, on behalf of all of us, thank you for coming.

Mr. Beaver asked Mr. Benitz if he has direction from the Benton County Board to meet with Mr. Cadwell, Human Services and others. He said I'd like that direction sometime.

Mr. Bowman said yes, please. An offer has been made and we need to take advantage of it.

Mr. Benitz said yes, I think there is an opportunity that we can work with our current agencies and how we provide those services. I hope that Lourdes Counseling and Catholic Family Services, Lutheran Community Services, Nueva Esperanza and La Clinica also have the same opportunities for input if we're looking for efficiencies and just not just say that we are going to tear the Human Services Department apart to look for those efficiencies. That's what you were elected to do. We're here to help provide

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that service to the consumer. I don't want to build another building but if we can find efficiencies that are in there and we look at this in a holistic approach, I think that that is in our best interest to take a look at this. So if you would like that, you're welcome to it.

Mr. Bowman said the issue of conflict of interest has arisen earlier and needs to be addressed. I would just point out in my conversations with Mr. Cadwell we talked about that conflict of interest would be minimized because it's my understanding that the rent would be on a payback situation, not of a profit-generating situation, so the conflict of interest would not be so important at this time.

Mr. Peck said with all due respect, I'd have to point out that the reason we purchase homes instead of renting them is for something called equity and the conflict laws don't speak to actual conflict, they speak to the appearance of conflict. Both are illegal. I think it would be irresponsible of us not to do everything we could to protect Mr. Cadwell who has in every respect been a wonderful citizen trying to help us solve this problem. So I don't think it precludes us talking, especially now that we've documented on the record that we're sensitive to that and we're open to any and all input from any and all sources and that it's not an exclusive discussion with Mr. Cadwell. I think we owe him that courtesy to respect his role and protect it.

Mr. Peck asked for the same consideration; could I have not only your consent but your direction as a board? Mr. Miller said I agree. Mr. Koch nodded in agreement.

**Recessed** at 10:33 am.

**Reconvened** at 10:42 am.

Discussion and Possible action on a resolution regarding regulation of private boat docks on the Columbia River

Present in audience: Franklin County Administrator Fred Bowen, Brooke Dubois and Benton County staff member Adam Fyall.

Mr. Peck gave a summary of the proposed resolution.

Mr. Miller said I'm for this. I agree with it. I have no problem.

**Motion** - Mr. Koch: Mr. Chairman, as for a Franklin County resolution, I would move approval in the proposed matter of U.S. Army Corps of Engineers' action to further

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regulate and remove private docks along the Columbia River, Lake Wallula and the McNary Pool adjacent to Franklin and Benton Counties. Second by Mr. Peck. 3:0 vote in favor. This is Franklin County Resolution #2009-297.

Mr. Bowman thanked Commissioner Peck for making him aware of the issue. He has visited with people who have docks on the Columbia River. I appreciate very much and got to see some of the places that would be allowed but never happened and some places they don't want it. He is in favor of the resolution.

**Motion** – Mr. Bowman: I would move approval of the joint resolution regarding the issue of the U.S. Army Corps of Engineers' action to further regulate and remove private docks along the Columbia River, Lake Wallula, and the McNary Pool to Franklin and Benton Counties. Second by Mr. Beaver.

Mr. Benitz would like to see the resolution taken to other counties. He said as he sees it, this is not just a Benton and Franklin County issue but a broader issue up and down the Columbia River.

Mr. Peck said public comments need to be to the Corps of Engineers by July 15. Board members decided to send copies of the resolution to counties that may also be impacted including Walla Walla and Umatilla Counties

**Vote: 3:0 vote in favor.**

**Adjourned** at 10:48 am.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 7, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until July 8, 2009.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chairman

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Chairman Pro Tem

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Member

Attest:

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Clerk to the Board

Approved and signed July 20, 2009.